

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 439 of 2004 (S/S)

Smt. Ruchi Chetri Petitioner

Versus

Director, Sanskriti Directorate & another Respondents

Mr. V.B.S. Negi, learned counsel for the petitioner.
Mr. V.K. Kohli, learned counsel for respondent No. 1.
Learned Standing Counsel for the State.

Hon'ble P.C. Verma, A.C.J.

The writ petition has been filed by the petitioner seeking a writ of mandamus to command the respondents to pay the salary as a Classical Musical Teacher and a writ of certiorari has been prayed for quashing the order dated 2.04.2004 passed by the Principal, Bhatkhande Hindustani Sangeet Mahavidyalaya, Dehradun.

Heard Mr. V.B.S. Negi, learned counsel for the petitioner and Mr. V.K. Kohli, learned counsel for respondent No. 1.

Petitioner was initially appointed as Classical Music Teacher in District Pauri Branch of Bhatkhande Hindustani Sangeet Mahavidyalaya. Petitioner moved an application to Additional Director that she may be posted and attached at Dehradun. Additional Director gave the permission to the Principal, Bhatkhande Hindustani Sangeet Mahavidyalaya vide his letter dated 23.9.2002 for relieving the petitioner from Pauri to Dehradun. In pursuance of this order dated 23.9.2002 passed by Additional Director, the petitioner joined her duties as a Classical Music Teacher in Bhatkhande Hindustani Sangeet Mahavidyalaya, Dehradun. Since then, the petitioner continuously worked in Dehradun as Classical Music Teacher. But on 2.4.2004, the Principal of the Institute passed an order in pursuance of the directions given by the Director, whereby the petitioner was again transferred to Pauri. This relieving order has been challenged in this writ petition on the ground of malafide alleged against the Director.

The Court vide order dated 19.5.2004 directed an enquiry to be conducted by the Secretary, Culture, State of Uttaranchal.

In pursuance of this order passed by this Court, the Secretary, Department of Culture, Govt. of Uttaranchal has submitted a report, in which it has categorically come that it is a false statement made by the petitioner. No. such misconduct was committed by the Director.

Therefore, in view of the report of the Secretary, Department of Culture, Govt. of Uttaranchal, the stay order dated 29.4.2004 is vacated. Now this Court cannot interfere in this matter as the malafide alleged against the Director, has not been proved in a transfer matter.

Therefore, the writ petition is devoid of merit and is, hereby, dismissed. No. order as to costs.

(P.C. Verma, A.C.J.)

Dt. 22.06.2004.

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